

# MEMORANDUM

February 22, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: KENNETH A. MARANGA  
Maranga \* Morgenstern

OWEN L. GALLAGHER  
Principal Deputy County Counsel  
General Litigation Division

RE: Estate of William Joseph Lee, by and through the successors in interest, Michael W. Lee and Carla Anderson v. County of Los Angeles  
Los Angeles Superior Court, North District Case No. MC014883

DATE OF  
INCIDENT: November 25, 2002

AUTHORITY  
REQUESTED: \$125,000

COUNTY  
DEPARTMENT: Probation Department

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## CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☒ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on March 7, 2005

## SUMMARY

This is a recommendation to settle for \$125,000, the wrongful death lawsuit brought by Michael Lee (father), and Carla Anderson (mother) for the death of William Lee on December 6, 2002, while a detained ward of the court in the custody of the Probation Department at Challenger Memorial Youth Camp.

## LEGAL PRINCIPLES

The County is liable for the failure of its jail and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered, and the failure to provide a detained ward of the court immediate medical care for a serious medical condition.

## SUMMARY OF FACTS

On August 16, 2002, William Lee, a 16-year-old boy, was arrested and transferred to Central Juvenile Hall. During a medical screening examination, it was noted that William had been receiving treatment at Children's Hospital (private facility) for a defect existing at birth (congenital), in which there was a narrowing of the aortic valve in the heart (aortic stenosis). Individuals with congenital aortic stenosis are at risk of sudden death when exposed to increased physical activity. William advised medical personnel that, due to his congenital aortic stenosis, he had been told by Children's Hospital not to participate in competitive or recreational sports.

On September 3, 2002, William was transferred to the Los Angeles County Probation Department's Challenger Memorial Youth Camp. Because of his congenital aortic stenosis, William was restricted to low intensity recreational activity for the duration of his custody.

On November 25, 2002, William suffered a loss of consciousness resulting from a temporary loss of oxygen to the brain (syncope) during a march back to the camp, and was taken to the Camp infirmary for evaluation. After being examined by nursing personnel, William was released from the infirmary. Although syncope may occur as a result of an inability of the heart to supply the brain with sufficient blood, medical personnel were not summoned, and no consideration was given to immediately transferring William to Children's Hospital or a hospital emergency room for further evaluation of his congenital aortic stenosis.

On December 6, 2002, at approximately 7:25 p.m., William was found unconscious, lying on his side in a recreational area. Restoration of heart and lung function using artificial respiration and manual closed chest compression (cardiopulmonary resuscitation [CPR]) was initiated, and William was transported by paramedics to Antelope Valley Hospital (private facility). However, despite

aggressive intervention, William could not be resuscitated. William was pronounced dead at 8:16 p.m. An autopsy performed by the Los Angeles County Coroner attributed the cause of death to a disease affecting the heart muscle (cardiomyopathy), resulting from congenital aortic stenosis.

## DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Michael Lee,	
Loss of Care, Comfort	
and Companionship	\$375,000
Carla Anderson,	
Loss of Care, Comfort	
and Companionship	\$375,000
Funeral Expenses	<u>\$ 8,000</u>
TOTAL	\$758,000

The proposed settlement includes:

Michael Lee,	
Loss of Care, Comfort	
and Companionship	\$ 33,375
Carla Anderson,	
Loss of Care, Comfort	
and Companionship	\$ 33,375
Funeral Expenses	\$ 8,000
Attorneys Fees	\$ 40,250
Costs of Litigation	<u>\$ 10,000</u>
TOTAL	\$125,000

## STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through February 7, 2005, are attorneys fees of \$35,627 and \$5,016 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$125,000
County Attorneys Fees and Costs	<u>\$ 40,643</u>
TOTAL	\$165,643

## EVALUATION

Medical experts will be critical of the failure, on November 25, 2002, to summon medical personnel to examine William Lee after he suffered a loss of consciousness, and the failure to consider immediately transferring William to Children's Hospital or a hospital emergency room for further evaluation of his congenital aortic stenosis. These failures fell below the standard of care, resulted in a missed opportunity to evaluate a potentially worsening condition, and are directly responsible for the results observed here.

We join with our private counsel, Maranga \* Morgenstern, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$125,000.

The Probation Department concurs in this settlement.